

ORDINANCE NO. _____, SERIES 2009

AN ORDINANCE AMENDING LOUISVILLE METRO CODE OF ORDINANCES (LMCO) SECTION 38.09 RELATING TO ABANDONED PROPERTY CLASSIFIED AS REAL PROPERTY AND DECLARING THE ENACTMENT OF THIS ORDINANCE AN EMERGENCY (Amended by Substitution).

Sponsored By: Councilman Tandy

WHEREAS, Louisville Metro Code of Ordinances (LMCO) §38.09 was recently modified to include property outside the former boundary limits of the City of Louisville; and

WHEREAS, the recent modification caused additional parcels to be classified as Abandoned Urban Property; and

WHEREAS, some parcels may have been incorrectly classified as Abandoned Urban Property; and

WHEREAS, property owners may wish to pay their real property taxes before the end of the calendar year; and

WHEREAS, LMCO §38.09, as it is currently written, does not provide property owners a means to appeal an Abandoned Urban Property classification at this time except by action of Jefferson Circuit Court; and

WHEREAS, failure to amend LMCO §38.09 in this calendar year may deny property owners the opportunity to pay the proper property tax rate and delay income to Metro Government.

BE IT ORDAINED BY THE LEGISLATIVE COUNCIL OF THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT (THE COUNCIL) AS FOLLOWS:

SECTION I: In order to ensure that property owners receive due process in appealing an Abandoned Urban Property classification before the end of this calendar year and to avoid unnecessary litigation and expenses in Jefferson Circuit Court, LMCO Section 38.09 is hereby amended as follows:

§ 38.09 ABANDONED PROPERTY CLASSIFIED AS REAL PROPERTY.

(A) Abandoned urban property is established as a separate classification of real property for the purpose of ad valorem taxation. As used in this section, abandoned urban property means any vacant structure or vacant or unimproved lot or parcel of ground which has been vacant or unimproved for a period of at least one year and which:

(1) Because it is dilapidated, unsanitary, unsafe, vermin infested, or otherwise dangerous to the safety of persons, it is unfit for its intended use;

(2) By reason of neglect or lack of maintenance has become a place for the accumulation of trash and debris, or has become infested with rodents or other vermin; or

(3) Has been tax delinquent for a period of at least three years.

(B) The Department of ~~Codes & Regulations~~~~Family Services, Housing and Community Development Division~~ shall each year determine which properties are abandoned urban properties and shall prepare and furnish a list to the Office of the Jefferson County Property Valuation Administrator and the Vacant Properties Review Commission ("Commission") prior to January 1 of each year. In addition, the list of abandoned urban properties shall be posted on the Louisville Metro Government's webpage.

(C) Except as otherwise provided in subsection (D) of this section, a property classified by the Property Valuation Administrator as abandoned urban

property as of January 1 shall be taxed as abandoned urban property for such tax year. If the owner repairs, rehabilitates or otherwise returns the property to productive use so that the property is no longer abandoned urban property, he or she shall notify the Vacant Property Review Commission which shall certify that the property has been repaired, rehabilitated or otherwise returned to productive use, and shall remove the property from the list of abandoned urban properties ~~as of the succeeding January 1.~~

(D) No later than March 1 of each year, the Department of Family Services, Housing and Community Development Division on behalf of the Vacant Property Review Commission shall mail a notice by first class mail, to the owner or other party in interest as listed in the records of the Property Valuation Administrator of each abandoned urban property ~~notice~~ that the property has been classified as abandoned urban property pursuant to this section. The owner or other party in interest of any abandoned urban property who believes that his or her property has been incorrectly classified may appeal such classification to the Vacant Properties Review Commission. Such appeal shall be in writing and shall be made no later than November 30-May 31 of that year. Provided, however, for the 2009 tax year only, the Commission shall allow appeals to be filed through January 31, 2010. The Commission shall afford the owner the opportunity for a hearing. If the Commission finds that the property was incorrectly classified as abandoned urban property it shall cause the property to be removed from the list of properties so classified by notice to the Jefferson County Property Valuation Administrator and the Jefferson County Sheriff. Appeal to the Commission may only be made on the basis that the property was incorrectly classified as abandoned urban property in that it did not meet the criteria established in subsection (A) of this section as

of January 1 of the tax year. The Commission shall develop ~~tax~~ policies and procedures for conducting such appeals.

SECTION II: In accordance with Council Rules 7.01 and 7.12, the enactment of this Ordinance is deemed an emergency and therefore shall take effect immediately upon its passage and approval.

Kathleen J. Herron
Metro Council Clerk

David W. Tandy
President of the Council

Jerry E. Abramson
Mayor

Approval Date

APPROVED AS TO FORM AND LEGALITY:

Michael J. O'Connell
Jefferson County Attorney

BY: _____